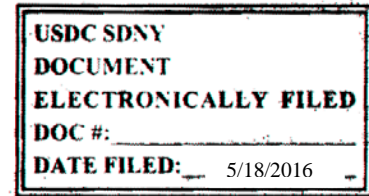


**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**TRUSTEES OF THE DRYWALL TAPERS AND  
POINTERS LOCAL UNION NO. 1974 BENEFIT  
FUND,**

**Plaintiff,**

**16-CV-00622 (GBD)(SN)**

**-against-**

**REPORT AND  
RECOMMENDATION**

**ODESSY CONSTRUCTION CORP.,**

**Defendant.**

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**SARAH NETBURN, United States Magistrate Judge.**

**TO THE HONORABLE GEORGE B. DANIELS:**

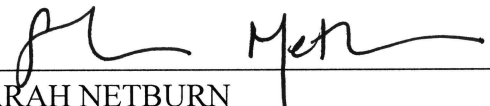
On January 28, 2016, the plaintiff, a union benefit fund, sued Odessy Construction Corp. under the Employee Retirement Income Security Act ("ERISA") for failing to provide a required audit of its financial records during the period of a Trade Agreement between the two parties. The defendant never appeared, and, on March 9, 2016, the Clerk of Court entered a certificate of default.

Before the Court is the plaintiff's motion for default judgment. The plaintiff supported its motion with counsel's affirmation and a statement of damages. On April 18, 2016, the plaintiff appeared before me to discuss the basis of its claims against the defendant and the relief sought.

Based on the plaintiff's submissions and as set forth on the record at the April 18 hearing, I recommend entering default judgment against the defendant. I recommend awarding the plaintiff \$2,350 in attorney's fees and \$440 in costs. I recommend awarding the plaintiff injunctive relief, specifically an order requiring the defendant to permit and cooperate in auditing

the defendant's payroll books and records covering the effective period of the Trade Agreement. I recommend ordering that, upon 15 days written notice to the defendant, the plaintiff should be entitled to amend judgment to include any additional amounts owed as determined by that audit, together with any applicable interest, liquidated damages, auditor's fees, attorney's fees, and costs.

**SO ORDERED.**

  
SARAH NETBURN  
United States Magistrate Judge

DATED: New York, New York  
May 18, 2016

\* \* \*

**NOTICE OF PROCEDURE FOR FILING OBJECTIONS  
TO THIS REPORT AND RECOMMENDATION**

The parties shall have fourteen days from the service of this Report and Recommendation to file written objections pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure. See also Fed. R. Civ. P. 6(a), (d) (adding three additional days when service is made under Fed. R. Civ. P. 5(b)(2)(C), (D), (E), or (F)). A party may respond to another party's objections within fourteen days after being served with a copy. Fed. R. Civ. P. 72(b)(2). Such objections shall be filed with the Clerk of the Court, with courtesy copies delivered to the chambers of the Honorable George B. Daniels at the United States Courthouse, 500 Pearl Street, New York, New York 10007, and to any opposing parties. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), 6(d), 72(b). Any requests for an extension of time for filing objections must be addressed to Judge Daniels. The failure to file these timely objections will result in a waiver of those objections for purposes of appeal. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), 6(d), 72(b); Thomas v. Arn, 474 U.S. 140 (1985).